

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 03-1837

IN RE: ALVIN THOMAS,
Petitioner

On a Petition for Writ of Mandamus from the
District Court of the Virgin Islands
(Related to D.V.I. Civ. No. 00-cv-00101)

Submitted Under Rule 21, Fed. R. App. Pro.
June 19, 2003

Before: SLOVITER, McKEE, and SMITH, Circuit Judges.

(Filed: July 23, 2003)

OPINION

PER CURIAM

Alvin Thomas, a federal prisoner, asks that we issue a writ of mandamus directing the District Court to rule on a motion he filed pursuant to 28 U.S.C. § 2255 to vacate his sentence. We will deny the petition as moot.

Thomas filed his § 2255 motion on May 16, 2000. The Government filed a response to the § 2255 motion in April 2002. When Thomas filed his mandamus petition in this court on March 24, 2003, the District Court had not yet acted on the § 2255 motion. On April 29, 2003, we directed the United States Attorney as well as the District

Judge to file responses to the mandamus petition. On May 30, 2003, however, the District Court issued a final order disposing of Thomas's § 2255 motion. Accordingly, inasmuch as Thomas has now received the relief he requested,¹ his mandamus petition is moot. See, e.g., In re Orthopedic Bone Screw Prods. Liab. Litig., 94 F.3d 110, 111 (3d Cir. 1996) (on mootness).

For the foregoing reasons, we will deny Thomas's mandamus petition.

¹ The mandamus petition also asked that we direct the District Court to appoint counsel to represent Thomas in that court. See Petition, 1. Because the proceedings in the District Court are now complete, the mandamus petition is also moot as to the plea for appointed counsel.